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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,327	02/06/2006	Christopher G Steel	GB 020197	5733
24737	7590	08/07/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			GONZALEZ, AMANCIO	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/535,327	STEEL, CHRISTOPHER G	
	Examiner	Art Unit	
	Amancio Gonzalez	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/07/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/07/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/07/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 - 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Herle et al. (US Pat 7013391)

Consider **claim 1**, Herle et al. clearly disclose an apparatus and method for distributing the location of a mobile device (title) comprising the steps of

- determining the location of the mobile device (abstract; col. 1, lines 22-27);
- encrypting the determined location using an encryption key (abstract; fig. 2);
- transmitting the encrypted location to a server (fig. 4, step 415; col. 6, lines 41-46);
- storing the encrypted location at the server (fig. 4, step 415; col. 6, lines 46-48);

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- querying the server from a remote terminal (fig. 4, step 420; col. 6, lines 48-50);
- transmitting from the server to the remote terminal the encrypted location in response to the query (fig. 4, step 425; col. 6, lines 54-56);
- sharing the predetermined encryption key between the mobile device and the remote terminal but not with the server (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: mobile and remote device only share encryption key); and, consequently, decrypting the location at the remote terminal using the predetermined encryption key.

Consider **claim 2**, Herle et al. show a mobile phone that determines its location, encrypts its location using an encryption key (abstract; fig. 2), transmits the encrypted location to a server (abstract; fig. 1; col. 1, lines 22-27; fig. 4, steps 410 and 411: MS 111 accesses MS location server 160 and establishes a secure connection and transmits encrypted location data to MS location server 160), and shares the predetermined encryption key with a remote terminal but not the server (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: only mobile station and the remote terminal share encryption key in this embodiment of the invention).

Consider **claim 3**, Herle et al. clearly disclose a server that receives and stores an encrypted location, which is encrypted with an encryption key and corresponds to a mobile device (fig. 4, step 415; col. 6, lines 41-46); and in response to a query from a remote terminal, to transmit to the remote terminal the encrypted location (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: mobile and remote device only share encryption key); wherein between receipt and transmission of the encrypted location by the server, the server is not in possession of the encryption key.

Consider **claim 4**, Herle et al. clearly disclose a terminal that queries a remote server for the location of a particular mobile device with which it has shared an encryption key independently of the server (terminal: reads access device -fig. 1; (fig. 4, step 420; col. 6, lines 48-50; claim 15); and upon receipt of an encrypted location encrypted with the encryption key, decrypting the location (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data).

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

July 25, 2006

EDAN ORGAD
PATENT EXAMINER/TELECOM

Edan Orgad 8/2/06